

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL DOCKET NO.: 1:09CR57-V**

UNITED STATES OF AMERICA )  
                               )  
                               )  
vs.                           )                                  O R D E R  
                               )  
                               )  
**BRYAN KEITH NOEL,**     )  
                               Defendant.     )  
                               )  
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                               )

**THIS MATTER** is before the Court on the Government's "Motion To Move Trial From Statesville to Asheville," filed January 8, 2010, and all related memoranda. (Documents ##27 -29)

As an initial matter, the *Noel* prosecution originated in the Asheville Division. All things being equal (and absent reassignment to the undersigned due to conflict of interest), the trial would ordinarily be conducted in Asheville rather than Statesville. In addition, to the extent our physical facilities and schedules provide, the Court has some obligation to attempt to accomodate the alleged victims' desire to be present during trial. *See* 18 U.S.C. §3771(a)(3). Finally, the Court is simply not persuaded by the defense that the juror pool in Asheville has necessarily been influenced such that *voir dire* will be an inadequate means for ferreting out any partiality or bias.

For these reasons, as well as those articulated by the Government in its filings, the Court will allow the motion. Accordingly, the trial of this matter, which is currently scheduled to commence on **Wednesday, February 17, 2010 at 10:00 a.m.**, will be conducted in the **Asheville Division, Courtroom #1**, 100 Otis Street, Asheville, North Carolina 28801.

Signed: January 13, 2010



Richard L. Voorhees  
United States District Judge

